

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES

V.

CRIMINAL NO. 04 10293 JLT

ANTHONY P. RAYMOND

REQUEST OF DEFENDANT FOR SPECIFIC  
VOIR DIRE QUESTIONS TO THE JURY PANEL

The defendant in the above matter requests that the Court instruct the prospective jurors as follows:

**At this time I am going to put some questions to you which are to be answered with complete candor. The questions are not designed to embarrass anyone; nor are they designed to invade in any way your right to privacy. Rather, the questions are designed simply to insure that both the defendant and the government receive a trial by an impartial jury - -that is, by qualified jurors who have no bias or prejudice that would prevent them from returning a verdict according to the law and the evidence.**

The defendant further requests that the following questions, over and beyond those required to be asked by statute, be asked of prospective jurors:

1. Have any of the panel members ever previously served on a Federal Grand Jury?
2. Have any of the panel members ever previously served on State Grand Jury?
3. Have any of the panel members ever served as a State Peace Officer?
4. Have any of the panel members ever served as a Federal Peace Officer?
5. Have any of the panel members ever served or been employed in the office of any State or Federal prosecutor?
6. Are any of the panel members personally acquainted with the United States Attorney Michael Sullivan, or any of the members of his staff?
7. Are any of the panel members personally acquainted with the prosecutor in charge of the prosecution of this case?
8. Have any of the panel members ever served on a Federal Trial Jury?
9. Have any of the panel members ever served on a State Trial Jury?
10. Are any of the panel members personally acquainted with any of the facts involved in this case?
11. Is there any member of the panel that thinks the defendant must have done something wrong or he wouldn't be present in Court being tried?
12. Has any member of the jury panel received any kind of special training in law enforcement, law, or chemistry?
13. Does each of you understand that the indictment is no evidence of guilt in this case and cannot be considered as evidence of guilt?
14. Will each of you wait until all of the evidence is in before making up your mind about the case?

15. Do any of you know Judge Tauro personally?

16. Does each of you understand that the defendant is presumed or assumed innocent at this time?

17. Does each of you understand that if you were called upon to vote for guilty or not guilty at this time, you have to vote not guilty because of the presumption of innocence?

18. Does each of you realize that as a juror you will be the sole judges of the facts in this case?

19. Will each of you vote your own personal individual vote in this case?

20. Does each of you understand that the verdict in the case has to be unanimous and it is not a situation where the majority wins?

21. Will each of you vote your own personal vote even if you are in the minority in that vote?

22. Do you understand that the comments of the attorneys in the case are not evidence which can be considered by you in deciding the guilt of the defendant in this case?

23. Does each of you understand that the defendant is not required to prove his innocence?

24. Do any of you have close friends who are involved in law enforcement?

25. Does each of you understand that before you can find the defendant guilty of the offense charged, the prosecution must prove every facet of the offense and show guilt beyond a reasonable doubt?

26. Does each of you understand that an attorney whether prosecuting attorney or defense attorney, has a legal duty to object to evidence he feels should not be legally before the jury?

27. Does each of you understand that you cannot consider the fact that objections were made to certain evidence as any indication of a person's guilt?

28. There are many people on this jury panel. Do any of you recognize other members of the panel as being a close friend or associate?

29. Are there any members of the panel who would tend to believe the testimony of a government agent over the testimony of a private citizen solely because he was a government agent?

See United States v. Anagnos, 853 F. 2d 1 (1<sup>st</sup> Cir. 1988).

30. The law of the United States provides that the government has the burden of proving each and every allegation in the indictment beyond a reasonable doubt. Is there any member of the panel who would not require the government to comply with that burden?

31. Is there any member on the panel who does not agree with our law placing the burden of proof of every allegation in the indictment on the government beyond a reasonable doubt to such an extent that they would not be able to comply with that law?

32. The law of this land provides that a defendant does not have to testify in any criminal case. Our law further provides that if the defendant fails to testify you may not consider that for any purpose in deciding his guilt. Is there any member on this jury panel who because of personal feelings or otherwise would not be able to follow that law?

33. Is there any member on this jury panel who disagrees with the law as stated in the previous question to such an extent that he would not be able to follow it?

34. Is there any member of the jury panel who feels that he or she would feel the defendant's failure to testify was an indication of his guilt?

35. Does each member of the jury panel understand that as the defendant sits there before you, he is no more guilty of anything than any member of the jury panel or any other participant in this trial?

36. Has any member of the panel ever been a complaining witness in a criminal case?

37. Has any member of the panel ever been a witness in a criminal case?

38. Has any member of the panel ever been a witness in a civil case?

39. Has any member of the panel ever been a party to a civil law suit?

40. Are any of the panel members personally acquainted with any of those named government witnesses?

41. Have any members of the jury panel formed any conclusions in their minds as to the guilty of the defendant which would take the presentation of evidence to remove?

42. Do any member of the jury panel think that the defendant is guilty of the crime with which he is charged at this time?

43. Have any members of the jury panel ever held a public office?

44. Does any member of the jury panel have a close friend or relative who now holds or has held a public office?

45. Has any member of the jury panel ever been employed by a county?

46. Does any member of the jury panel have any close friends or relatives which are or have been employed by a county?

47. Do each of you understand that the indictment is no evidence of guilt in this case and cannot be considered by you as evidence of guilt?

48. Does any member of the panel feel that the defendant must be guilty of something or he would not be on trial?

49. Have any of you read or heard anything about the defendant in recent months?

50. Would any of you be influenced in this case by what you may have read in the newspapers or seen on television?

51. Have any of you expressed an opinion as to the guilty or innocence of the defendant?

52. Do any of you have any bias or prejudice against the defendant at this time?

53. Will each of you wait until all evidence is in before making up your mind about the case?

54. Do you understand that the defendant is presumed or assumed innocent at this time?

55. Do you realize that you as a juror will be the sole judges of the facts in this case?

56. Will each of you vote your own personal vote even if you are in a minority?

57. Do you understand that the comments of the prosecutor are not evidence in this case?

58. Can you find a defendant guilty based solely on circumstantial evidence?

59. Do each of you understand that the defendant is not required to prove his innocence?

60. Do any of you have close friends who are involved in law enforcement?

61. Do you understand that before you can find the defendant guilty of the offense charged they must prove every facet of the offense and show guilt beyond a reasonable doubt?

62. Do you understand that the evidence against the defendant must be beyond a reasonable doubt before you can find him guilty?

63. Does each of you understand that the presumption of innocence goes to every element of the crime charged?

64. Does each of you understand that an attorney has a duty to object to evidence he feels should not legally be before the jury?

65. Does each of you understand that you cannot consider the fact that objections were made to certain evidence as an indication of a defendant's guilt?

66. Does anyone of you believe or assume that the accused would not be here if he/she had not done something?

67. Do any of you have strong feelings pro or con as to criminal defense lawyers?

/s/Roger Witkin  
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Dated: September 12, 2005

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ANTHONY P. RAYMOND

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the within document was served upon the attorney of record for the United States, AUSA Paul Moore, and a courtesy copy to the Clerk of Court by mail and electronic filing, which was e-filed this day.

/s/ Roger Witkin  
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DATE: September 12, 2005